

REMARKS

Information Disclosure Statement

An Information Disclosure Statement is submitted herewith. Consideration of the information is respectfully requested.

Claim Rejections - 35 USC § 112

Claim 9 is rejected under 35 USC 112 for indefiniteness for the phrase “selected from the following group.” The claim has been amended as suggested by the Examiner to properly define a Markush group. Applicants respectfully ask that the rejection under Section 112 be withdrawn.

Claim Rejections - 35 USC § 102

Claims 1 and 7-9 are rejected under 35 USC 102 as being anticipated by US 5760952 (Koetke). This rejection is respectfully overcome by amending claim 1 to require that the claimed means selects both the spectral band and polarization of the illuminating light. Claims 7 and 8 have been amended to agree with claim 1 in this regard. Koetke does not disclose selection of both spectral band and polarization of illuminating light to allow “the individual media in the eye and/or the individual interfaces between the media to be recognized and distinguished, without the aforesaid disadvantages of methods used today, such as the red reflection or preoperative staining.” Specification, ¶ [0011].

Specifically regarding claim 8, the “at least one filter” is now limited to “at least one *non-spatial* filter” in order to distinguish over the diaphragm or light shield taught by Koetke.

Newly added claims 15 and 16 further limit claims 1 and 8, respectively, by requiring that phase be selected in addition to spectral band and polarization.

Therefore, it is respectfully submitted that claims 1, 7-9, and 15-16 are patentable over Koetke. Favorable reconsideration of these claims is earnestly sought.

Claim Rejections - 35 USC § 103

Claims 1-9, 13 and 14 are rejected under 35 USC 103 as being unpatentable over US 4786154 (Fantone et al.) in view of Koetke. This rejection is also overcome by amending claim 1 to require that the claimed means selects both the spectral band and polarization of the illuminating light, a feature not suggested by the references, either separately or in combination with one another. As mentioned above, claims 7 and 8 have been amended to agree with claim 1 in this regard, and new claims 15 and 16 further limit claims 1 and 8 by requiring that phase is also selected.

It is noted that image enhancement in Fantone et al. relates to the video image presented on a display and involves image processing techniques. By contrast, the present invention enhances the visible image presented to an observer through an ophthalmic surgical microscope by selecting properties of the illumination light that illuminates the object being observed.

Appl. No. 10/662,218
Amendment and Response to Office Action
Reply to Office Action of February 22, 2006

In view of the foregoing, removal of the rejection of claims 1-9, 13 and 14, and favorable consideration of new claims 15 and 16, is respectfully requested.

Claims 10-12 are rejected under 35 USC 103 as being unpatentable over US Fantone et al. in view of Koetke in further view of US 2001/0010592 (Nakamura). Claims 10-12 depend indirectly from claim 1, which has been amended. As discussed above, claim 1 is now patentable over Koetke alone and over Fantone et al. in view of Koetke. Therefore, allowance of dependent claims 10-12 is respectfully sought.

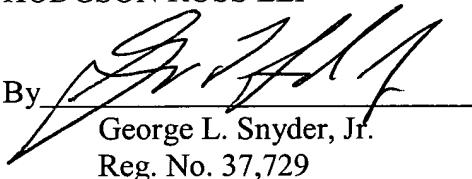
Conclusion

The present application is now thought to be in a condition for allowance, and favorable reconsideration is kindly sought. If the Examiner has any questions, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,

HODGSON RUSS LLP

By



George L. Snyder, Jr.
Reg. No. 37,729

GLS/
Encs.

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 856-4000
DATED: August 22, 2006

033997/00089 BFLODOCS 1624907v1